



Form 406

Corporations Act 2001
601CK(9), 601CT, 601CV, 100(1)(d),

ASIC Corporations (Foreign-Controlled Company Reports) Instrument 2017/204

Annual return of a foreign company

If there is insufficient space in any section of the form, you may photocopy the relevant page(s) and submit as part of this lodgement

Lodgement details

An image of this form will be available as part of the public register.

Who should ASIC contact if there is a query about this form?

ASIC registered agent number (if applicable)

Firm/organisation

Contact name/position description

Telephone number (during business hours)

Email address (optional)

Postal address

Suburb/City

State/Territory

Postcode

1 Details of foreign company

Company name

ARBN

Place of incorporation

Financial year ended

 / /
[D] [D] [M] [M] [Y] [Y]

Annual general meeting held (leave blank if not applicable)

 / /
[D] [D] [M] [M] [Y] [Y]

2 Details of registered office in Australia

Registered office in Australia

At the office of, C/- (if applicable)

Office, unit, level

Street number and Street name

Suburb/City

State/Territory

Postcode

Does the company occupy the premises?

Yes

No

If no, name of occupier?

Occupier's consent (Select box to indicate the statement below is correct)

The occupier of the premises has consented in writing to the use of the specified address as the address of the registered office of the company and has not withdrawn that consent.

Has this address previously been notified to ASIC?

Yes

No

If no, provide date of change of address

<input type="text"/>	<input type="text"/>	/	<input type="text"/>	<input type="text"/>	/	<input type="text"/>	<input type="text"/>
[D	D]		[M	M]		[Y	Y]

Late fees may apply so refer to the Guide for information about lodgement periods.

3 Details of registered office in place of incorporation

If no registered office in place of incorporation, provide the address of the principal place of business in place of incorporation.

At the office of, C/- (if applicable)

Office, unit, level

Street number and Street name

Suburb/City

State/Territory

Postcode

Country

Has this address previously been notified to ASIC?

Yes

No

If no, provide date of change of address

<input type="text"/>	<input type="text"/>	/	<input type="text"/>	<input type="text"/>	/	<input type="text"/>	<input type="text"/>
[D	D]		[M	M]		[Y	Y]

Late fees may apply so refer to the Guide for information about lodgement periods.

4 Details of local agents

The appointment of a new local agent can only be notified to ASIC on a Form 404 *Notification of change to agent of a foreign company*.

Provide details of all current local agents and any former local agents that have ceased but whose cessation has not been notified to ASIC. Late fees may apply so refer to the Guide for information about lodgement periods.

	Family name <input type="text"/>	Given names <input type="text"/>
	OR Company name <input type="text"/>	
	ACN/ABN <input type="text"/>	
The address must be in Australia. PO Box cannot be accepted.	Office, unit, level <input type="text"/>	
	Street number and Street name <input type="text"/>	
	Suburb/City <input type="text"/>	State/Territory <input type="text"/>
	Postcode <input type="text"/>	
Change of name of local agent	Has the name of this previously appointed local agent changed since it was last notified to ASIC? <input type="checkbox"/> Yes If yes, provide the date of change of name and the former name of this local agent Date of change of name <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> [D] [D] / [M] [M] / [Y] [Y] Former name <input type="text"/>	
	<input type="checkbox"/> No	
Change of address of local agent	Has the address of this previously appointed local agent changed since it was last notified to ASIC? <input type="checkbox"/> Yes If yes, provide the date of change of the address <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> [D] [D] / [M] [M] / [Y] [Y] <input type="checkbox"/> No	
Cessation of local agent	Has this previously appointed local agent ceased? <input type="checkbox"/> Yes If yes, provide the date of cessation. <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> [D] [D] / [M] [M] / [Y] [Y] The appointment of a new local agent can only be notified to ASIC on a Form 404 <i>Notification of change to agent of a foreign company</i> . <input type="checkbox"/> No	
	If you need to provide details of additional local agents, use copies of this page and submit as part of your lodgement. See Guide for how to provide additional information.	

5 Details of directors

Provide details of all directors including those whose appointment has not previously been notified to ASIC. Also include details of any directors that have ceased but whose cessation has not been notified to ASIC. Late fees may apply so refer to the Guide for information about lodgement periods.

Enter family and given names. If the director is a company, provide the name of the company and the ACN or ARBN.

Family name	Given names
<input type="text"/>	<input type="text"/>
Company name (if applicable)	
<input type="text"/>	
ACN/ARBN (if applicable)	
<input type="text"/>	

If the director is an individual, give their usual residential address.

Office, unit, level	
<input type="text"/>	
Street number and Street name	
<input type="text"/>	
Suburb/City	State/Territory
<input type="text"/>	<input type="text"/>
Postcode	Country (if not Australia)
<input type="text"/>	<input type="text"/>
Place of birth (town/city)	(state/country)
<input type="text"/>	<input type="text"/>
Date of birth	
<input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/>	
[D] [D] [M] [M] [Y] [Y]	

Appointment of director

Have you previously notified ASIC of the appointment of this director?
<input type="checkbox"/> Yes
<input type="checkbox"/> No
If no, provide the date of appointment
<input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/>
[D] [D] [M] [M] [Y] [Y]

Change of name of director

Has the name of this director changed since it was last notified to ASIC?
<input type="checkbox"/> Yes
If yes, provide the date of change of name and the former name of the director
Date of change of name
<input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/>
[D] [D] [M] [M] [Y] [Y]
Former name
<input type="text"/>
<input type="checkbox"/> No

Change of address

Has the address of this director changed since it was last notified to ASIC?
<input type="checkbox"/> Yes
If yes, provide the date of change of the address
<input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/>
[D] [D] [M] [M] [Y] [Y]
<input type="checkbox"/> No

Cessation of director

Has the director ceased?
<input type="checkbox"/> Yes
If yes, provide the date of cessation
<input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/>
[D] [D] [M] [M] [Y] [Y]
<input type="checkbox"/> No

5 Continued... Details of additional directors

Provide details of all directors including those whose appointment has not previously been notified to ASIC. Also include details of any directors that have ceased but whose cessation has not been notified to ASIC. Late fees may apply so refer to the Guide for information about lodgement periods.

Enter family and given names. If the director is a company, provide the name of the company and the ACN or ARBN.

Family name	Given names
<input type="text"/>	<input type="text"/>
Company name (if applicable)	
<input type="text"/>	
ACN/ARBN (if applicable)	
<input type="text"/>	

If the director is an individual, give their usual residential address.

Office, unit, level	
<input type="text"/>	
Street number and Street name	
<input type="text"/>	
Suburb/City	State/Territory
<input type="text"/>	<input type="text"/>
Postcode	Country (if not Australia)
<input type="text"/>	<input type="text"/>
Place of birth (town/city)	(state/country)
<input type="text"/>	<input type="text"/>
Date of birth	
<input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/>	
[D] [D] [M] [M] [Y] [Y]	

Appointment of director

Have you previously notified ASIC of the appointment of this director?
<input type="checkbox"/> Yes
<input type="checkbox"/> No
If no, provide the date of appointment
<input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/>
[D] [D] [M] [M] [Y] [Y]

Change of name of director

Has the name of this director changed since it was last notified to ASIC?
<input type="checkbox"/> Yes
If yes, provide the date of change of name and the former name of the director
Date of change of name
<input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/>
[D] [D] [M] [M] [Y] [Y]
Former name
<input type="text"/>
<input type="checkbox"/> No

Change of address

Has the address of this director changed since it was last notified to ASIC?
<input type="checkbox"/> Yes
If yes, provide the date of change of the address
<input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/>
[D] [D] [M] [M] [Y] [Y]
<input type="checkbox"/> No

Cessation of director

Has the director ceased?
<input type="checkbox"/> Yes
If yes, provide the date of cessation
<input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/>
[D] [D] [M] [M] [Y] [Y]
<input type="checkbox"/> No

If you need to provide details of additional directors, use copies of this page and submit as part of your lodgement. See Guide for how to provide additional information.

Signature

Tick boxes that apply, complete the details and sign and date the form.

Name

Capacity

- Director of the foreign company
- Secretary of the foreign company
- Duly appointed local agent of the foreign company
- Director or secretary of a company which has been duly appointed as local agent of the foreign company

I certify:

- that the company is of a type declared by ASIC under s601CK(7) to be exempt from the provisions of s601CK(1) to (6) of the Corporations Act 2001.
- the information in this form is true and complete.

Signature

Date signed

/ /
[D] [D] [M] [M] [Y] [Y]

Lodgement

Send completed and signed forms to:
Australian Securities and Investments Commission,
PO Box 4000, Gippsland Mail Centre VIC 3841.

Or lodge the form electronically using Standard Business Reporting enabled software. See www.sbr.gov.au for more details.

For more information

Web www.asic.gov.au
Need help? www.asic.gov.au/question
Telephone 1300 300 630

Guide: Annual return of a foreign company

This guide does not form part of the form. It is included by ASIC to assist you in completing and lodging the Form 406.

Signature

This form must be signed by a director, secretary or local agent or by a director or secretary for a company appointed as local agent.

Lodgement fee

A lodgement fee applies to this form.

For information on fees refer to www.asic.gov.au/forms.

Lodgement period

The annual return must be lodged once in every calendar year and within one month after the date of the annual general meeting (AGM). If no AGM is required to be held by the law in the company's place of origin, we suggest you lodge the annual return at the same time each calendar year.

Notifiable changes should be lodged as soon as possible on the prescribed form, but in some cases they can be accepted on the Form 406. Please note that late fees apply if lodged outside of the lodgement period. Here is a table listing all the notifiable changes and whether they can be accepted on the Form 406.

Type of change	Lodging period	Prescribed form	Can this change also be notified on the Form 406?
Change of address of registered office in Australia	Within 7 days after date of change	489 <i>Notification of change of registered office or office hours of a registered body</i>	Yes
Change of office hours of registered office in Australia	Within 7 days after date of change	489 <i>Notification of change of registered office or office hours of a registered body</i>	No
Change of address of registered office in place of incorporation	Within 1 month after date of change	489 <i>Notification of change of registered office or office hours of a registered body</i>	Yes
Appointment of local agent	Within 1 month after date of change	404 <i>Notification of change to agent of a foreign company</i>	No
Cessation of local agent	Within 1 month after date of change	404 <i>Notification of change to agent of a foreign company</i>	Yes
Change of name or address of local agent	Within 1 month after date of change	404 <i>Notification of change to agent of a foreign company</i>	Yes
Appointment or cessation of director	Within 1 month after date of change.	490 <i>Notification of change to directors of a registered body</i>	Yes
Change of name or address of director	Within 1 month after date of change.	490 <i>Notification of change to directors of a registered body</i>	Yes

Late fees

A Form 406 may attract late fees in either of these situations:

- it is not lodged within a calendar year and within 1 month after the AGM.
- a notifiable change is advised outside the lodgement period (multiple changes, only one late fee will apply).

Therefore it is possible for a Form 406 to receive two late fees.

For information on fees refer to www.asic.gov.au/forms.

A form is not considered lodged until it is received and accepted by ASIC as complying with s1274(8) of the Corporations Act 2001. A receipt will not be issued unless requested.

Additional guidance

Refer to Regulatory Guide 58 *Reporting requirements: Registered foreign companies and Australian companies* available from www.asic.gov.au/rg and ASIC Corporations (Foreign Controlled Company Reports) Instrument 2017/204 available from www.asic.gov.au/li.

Reduced lodgement requirements for New Zealand companies

New Zealand companies that are registered as foreign companies in Australia are exempt (under s601CDA and s601CTA of the Corporations Act) from the requirements to lodge certain basic company information and financial statements with ASIC. Post registration lodgement requirements (with ASIC) for New Zealand companies have been reduced where ASIC is able to source the identical information or document (that satisfies Corporations Act requirements) from the New Zealand Companies Office (NZCO).

ASIC has established data transfer arrangements with the NZCO that enables electronic transfer and receipt of information and documents for these companies. ASIC will record lodgements from the NZCO against the relevant New Zealand company's ARBN record and, where possible, update its public registers accordingly.

The table below outlines changes that a New Zealand company must notify to ASIC and whether our data transfer arrangements with the NZCO are covered by the change.

Type of change	Prescribed form	Change covered by NZCO-AUST data transfer arrangements
Change of address of registered office in Australia	489 Notification of change of registered office or office hours of a registered body	No
Change of office hours of registered office in Australia	489 Notification of change of registered office or office hours of a registered body	No
Change of address of registered office in place of incorporation	489 Notification of change of registered office or office hours of a registered body	Yes
Appointment, cessation of change name or address of local agent	404 Notification of change to agent of a foreign company	No
Appointment of director	490 Notification of change to directors of a registered body	No
Cessation, change of name or address of director	490 Notification of change to directors of a registered body	Yes
Change to foreign company's constitution	409 Notification of change to details of a foreign company	Yes
Change of foreign company's name	409 Notification of change to details of a foreign company	No
Financial statements (profit and loss, balance sheet, cash flow statement and any other document as required by NZCO)	405 Statement to verify financial statements of a foreign company	Yes (as long as they have been provided in entirety to the NZCO)
Exemption from providing financial statements	406 Annual return of a foreign company	No
Financial statements of a foreign company that holds an Australian financial services licence	405 Statement to verify financial statements of a foreign company	No
Notice of winding up, dissolution or deregistration of company in place of origin	407 Notification of cessation, winding up or dissolution of a foreign company or registered Australian body	Yes
Notice of cessation of business of company in Australia	407 Notification of cessation, winding up or dissolution of a foreign company or registered Australian body	No

Foreign translation

If any document is not in English, the document and a certified translation of that document into English (s1304) must be lodged. The translation must be certified in writing to be a correct translation.

A translation made outside Australia must be certified as a correct translation into English by one of the following persons in the place where the corporation was formed or incorporated:

- a person who has lawful custody of the original document i.e. a person who exercises under law functions similar to those exercised by ASIC; or
- a notary public or a translator public duly admitted in accordance with the law.

A translation made inside Australia must be certified as a correct translation into English by a person approved by ASIC such as:

- language teachers or professors at tertiary institutions;
 - legal translators with a minimum of 12 months' experience in certifying translated documents or being an interpreter before the Courts;
 - a Level III accredited translator by the National Accreditation Authority for Translators and Interpreters Ltd (NAATI);
 - an approved translator from the Department of Immigration and Border Protection - Translating and Interpreting Service;
 - any other qualified person of a Commonwealth or State Government Department providing accredited translation services.
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How to provide additional information

Photocopied Form 406 pages

If there is insufficient space in any section of the form, you may photocopy the relevant page(s) and submit as part of this lodgement.

Annexures

To make any annexure conform to the regulations, you must

1. use A4 size paper of white or light pastel colour with a margin of at least 10mm on all sides
2. show the company name and ACN or ARBN
3. number the pages consecutively
4. print or type in BLOCK letters in dark blue or black ink so that the document is clearly legible when photocopied
5. mark the annexure with an identifying letter or symbol eg a,b,c or 1,2,3 etc.
6. endorse the annexure with the words:
This annexure (mark) of (number) pages referred to in form (form number and title)
7. sign and date the annexure

The annexure must be signed by the same person(s) who signed the form.

Privacy

The information provided to ASIC in this form may include personal information. Please refer to our privacy policy (www.asic.gov.au/privacy) for information about how we handle your personal information, your rights to seek access to and correct personal information, and to complain about breaches of your privacy.

Lodgement

Send completed and signed forms to:
Australian Securities and Investments Commission,
PO Box 4000, Gippsland Mail Centre VIC 3841.

Or lodge the form electronically using Standard Business Reporting enabled software. See www.sbr.gov.au for more details.

For more information

Web www.asic.gov.au
Need help? www.asic.gov.au/question
Telephone 1300 300 630